

Nos. 22-55988, 22-56036

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

AL OTRO LADO, INC., *et al.*,
Plaintiffs-Appellees/Cross-Appellants,

v.

ALEJANDRO MAYORKAS, Secretary of Homeland Security, *et al.*,
Defendants-Appellants/Cross-Appellees,

and

the EXECUTIVE OFFICE FOR IMMIGRATION REVIEW,
Appellant/Cross-Appellee.

On Appeal from a Final Judgment Issued by the U.S. District Court for the
Southern District of California (Civil Action No. 3:17-cv-02366-BAS-KSC)

**GOVERNMENT RESPONSE TO PLAINTIFFS-APPELLEES'/CROSS-
APPELLANTS' MOTION TO HAVE CASE HEARD BY PRIOR PANEL**

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney
General

CHRISTOPHER P. TENORIO
Deputy Assistant Attorney General

WILLIAM C. PEACHEY
Director

KATHERINE J. SHINNERS
Senior Litigation Counsel

ALEXANDER J. HALASKA
Trial Attorney
U.S. Department of Justice
Civil Division
Office of Immigration Litigation -
District Court Section
P.O. Box 868, Ben Franklin Station
Washington, D.C. 20044
Tel: (202) 307-8704 | Fax: (202) 305-7000
Email: alexander.j.halaska@usdoj.gov

Counsel for the Government

**GOVERNMENT RESPONSE TO PLAINTIFF-APPELLEES' MOTION TO
HAVE CASE HEARD BY PRIOR PANEL**

Defendants-Appellants/Cross-Appellees Alejandro Mayorkas, Secretary of Homeland Security; Troy A. Miller, Acting Commissioner of U.S. Customs and Border Protection (CBP); and Pete Flores, Executive Assistant Commissioner of CBP's Office of Field Operations; and Appellant/Cross-Appellee the Executive Office for Immigration Review (EOIR), all in their official capacities (collectively, the Government) hereby respond to Plaintiff-Appellees'/Cross-Appellants' Motion to Have Case Heard by Prior Panel (Dkt. 8). The Government takes no position on the relief requested in Plaintiffs' Motion.

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DATED: December 2, 2022

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

CHRISTOPHER P. TENORIO
Deputy Assistant Attorney General

WILLIAM C. PEACHEY
Director

KATHERINE J. SHINNERS
Senior Litigation Counsel

/s/Alexander J. Halaska
ALEXANDER J. HALASKA
Trial Attorney
U.S. Department of Justice
Civil Division
Office of Immigration Litigation -
District Court Section
P.O. Box 868, Ben Franklin Station
Washington, D.C. 20044
Tel: (202) 307-8704 | Fax: (202) 305-7000
Email: alexander.j.halaska@usdoj.gov

Counsel for the Government

CERTIFICATE OF SERVICE

I certify that on December 2, 2022, I served a copy of this document on the Court and all parties by filing it with the Clerk of the Court through the CM/ECF system, which will provide electronic notice and a link to this document to all counsel of record.

DATED: December 2, 2022

Respectfully submitted,

/s/ Alexander J. Halaska
ALEXANDER J. HALASKA
Trial Attorney
U.S. Department of Justice

Counsel for the Government

CERTIFICATE OF COMPLIANCE

I certify that this brief complies with Federal Rules of Appellate Procedure 27(d)(1)(D) and 27(d)(1)(E) because it is double-spaced, has margins of at least one inch on all four sides, and uses proportionally-spaced, 14-point Times New Roman font.

I certify that this brief complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 86 words, including headings and footnotes, as measured by the word processing application used to prepare this brief.

DATED: December 2, 2022

Respectfully submitted,

/s/ Alexander J. Halaska
ALEXANDER J. HALASKA
Trial Attorney
U.S. Department of Justice

Counsel for the Government